

Message Text

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E.O. 11652: N/A
TAGS: EINV, CASC, ID
SUBJECT: COURT CASE AGAINST PHILIP C. JESSUP, JR.

REF: STATE 305168

1. SUMMARY: IN JOINT APPROACH TO MINISTER OF STATE SUDHARMONO, CANADIAN AMBASSADOR AND I EXPLAINED CIRCUMSTANCES AND RAMIFICATIONS CASE AGAINST JESSUP. SUDHARMONO SAID HE CANNOT INTERVENE IN CASE BEFORE COURT BUT CLEARLY UNDERSTOOD IMPLICATIONS AND PROMISED TO CONSULT WITH ATTORNEY GENERAL. END SUMMARY.

2. AS NOTED IN REFTTEL, AMBASSADOR JOHNSTON OF CANADA AND I CALLED ON MINISTER OF STATE SUDHARMONO DECEMBER 17 TO PRESENT FACTS OF JESSUP CASE AND TO EXPLAIN POTENTIAL IMPLICATIONS FOR INVESTMENT CLIMATE IN INDONESIA AS WE SAW THEM. WE BOTH MENTIONED KEEN INTEREST IN THIS CASE IN BOTH BUSINESS AND OFFICIAL CIRCLES IN CANADA AND U.S.

3. POINTING OUT THAT PRESIDENT SUHARTO HAS SOUGHT TO ENCOURAGE FOREIGN INVESTMENT AND PRESUMABLY SHORTLY BE PARTICIPATING IN FORMAL OPENING OF INCO PLANT IN SULAWESI, WE EXPLAINED WE WERE APPROACHING SUDHARMONO BECAUSE OF PRESIDENT'S
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LIKELY INTEREST. WE MADE PLAIN THAT JESSUP HIMSELF HAD FOLLOWED THROUGH NORMAL COURT PROCEDURES AND HAD NOT ASKED FOR DIPLOMATIC INTERVENTION. NEITHER HAD EITHER OF US FELT IT APPROPRIATE TO APPROACH EITHER THE ATTORNEY GENERAL OR THE JUDGE OURSELVES.

4. WE THEN POINTED OUT THAT HIGHER LABOR COURT HAD SUSTAINED COMPANY'S DISMISSAL OF DR. CHANDRA AND THAT LAWYERS INVOLVED DID NOT CONSIDER CHARGES AGAINST JESSUP TO HAVE MERIT. AS CASE NEARS CONCLUSION ON DECEMBER 28 WE WERE DISTURBED BY INDICATIONS FROM LAWYERS THAT CASE MIGHT GO AGAINST JESSUP AND MIGHT INVOLVE JAIL TERM. WHAT WAS EVEN MORE DISTURBING WERE SUGGESTIONS THAT PAYMENT OF MONEY COULD SOMEHOW RESOLVE CASE IN JESSUP'S FAVOR. THIS WAS OBVIOUSLY IMPOSSIBLE SOLUTION FOR EITHER AMERICAN OR CANADIAN COMPANY TO CONSIDER.

5. SUDHARMONO SAID IT WAS FIRST HE HAD HEARD OF CASE AND SOUGHT FROM US SPECIFIC DETAILS WHICH WE PROVIDED. HE SAID OBVIOUSLY HE COULD NOT INTERVENE IN CASE BEFORE COURT BUT HE WOULD SPEAK WITH ATTORNEY GENERAL AND ACQUAINT HIMSELF WITH DETAILS. WITHOUT MAKING ANY SPECIFIC COMMITMENT, HE DID SAY THAT, EVEN IF CASE WENT AGAINST JESSUP, APPEAL WOULD BE POSSIBLE AND JAIL TERM COULD BE AVOIDED AT LEAST DURING APPEAL PERIOD. DURING APPEAL PERIOD JESSUP MIGHT HAVE TO REMAIN IN COUNTRY. I TOOK EXCEPTION TO THIS POINTING OUT NECESSITY FOR JESSUP TO TRAVEL IN CONNECTION WITH INCO'S WORK AND STRESSING ALSO THAT JESSUP HAD BEEN TOTALLY CONSCIENTIOUS IN MAKING HIMSELF AVAILABLE TO COURT DURING PRESENT TRIAL.

6. SUDHARMONO, OF COURSE, INSISTED THAT JUDGE WOULD MAKE DECISION ON MERITS OF CASE AND NOT AS RESULT OF ANY ILLEGAL PAYMENTS.

7. COMMENT: WHILE IT IS DIFFICULT IN COMPLICATED CASE IN WHICH THERE ARE NATIONALIST OVERTONES TO PREDICT WHAT MAY LIMITED OFFICIAL USE

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HAPPEN, AMBASSADOR JOHNSTON AND I FEEL THAT WE HAVE FOR MOMENT MADE SUCH APPROACH AS IS POSSIBLE AND THAT SUDHARMONO NOW FULLY AWARE OF IMPLICATIONS OF CASE. IT IS STILL POSSIBLE THAT COURT COULD RULE AGAINST JESSUP BUT IN SUCH CASE I FEEL SUDHARMONO WOULD ASSIST IN ASSURING APPEAL AND JESSUP'S FREEDOM DURING APPEAL PERIOD.

8. WE HAVE BEEN FOLLOWING CASE FOR SEVERAL MONTHS AND HAVE BEEN IN TOUCH WITH JESSUP DURING THIS PERIOD. JESSUP WAS PREVIOUSLY OPTIMISTIC THAT FAVORABLE RULING OF LABOR COURT WOULD HELP IN DISMISSAL OF CRIMINAL CASE. HE, THEREFORE, DID NOT WISH DIPLOMATIC INTERVENTION. FACT THAT CRIMINAL COURT JUDGE SEEMS VIRTUALLY TO HAVE IGNORED LABOR COURT RULING AND ADDED REPORTS OF DEMANDS FOR MONEY CHANGED SITUATION.

9. DEPARTMENT MAY WISH REPEAT REFTEL TO OTTAWA.
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